57th Legislature SB0159.03

1	SENATE BILL NO. 159
2	INTRODUCED BY L. GROSFIELD
3	BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF LAND COMMISSIONERS TO
6	GRANT EASEMENTS FOR SPECIFIC USES IN STATE LANDS; AMENDING SECTION 77-2-101, MCA; AND
7	PROVIDING AN IMMEDIATE EFFECTIVE DATE."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11	Section 1. Section 77-2-101, MCA, is amended to read:
12	"77-2-101. Easements for public specific uses. (1) The board may grant easements in state lands
13	for schoolhouse sites and grounds, public parks, community buildings, cemeteries, conservation purposes
14	TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS ON PARCELS THAT ARE SURROUNDED BY OR ADJACENT TO LAND
15	OWNED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AS OF JANUARY 1, 2001, environmental control
16	purposes, and other public uses upon proper applications accompanied by accurate and duly verified plats
17	from the lawfully constituted authorities having charge of those properties application, as provided in
18	77-2-102. (1) Upon proper application as provided in 77-2-102, the board may grant easements on state
19	LANDS FOR THE FOLLOWING PURPOSES:
20	(A) SCHOOLHOUSE SITES AND GROUNDS;
21	(B) PUBLIC PARKS;
22	(c) COMMUNITY BUILDINGS;
23	(D) CEMETERIES;
24	(E) CONSERVATION PURPOSES:
25	(I) TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR PARCELS THAT ARE SURROUNDED BY OR ADJACENT
26	TO LAND OWNED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AS OF JANUARY 1, 2001;
27	(II) TO A NONPROFIT CORPORATION FOR PARCELS THAT ARE SURROUNDED BY OR ADJACENT TO LAND OWNED BY
28	THAT SAME NONPROFIT CORPORATION AS OF JANUARY 1, 2001; AND
29	(III) TO A NONPROFIT CORPORATION FOR THE OWEN SOWERWINE NATURAL AREA LOCATED WITHIN SECTION 16,
30	TOWNSHIP 28 NORTH, RANGE 21 WEST, IN FLATHEAD COUNTY; AND

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1	(F) FOR OTHER PUBLIC USES.
2	(2) The board may grant an easement easements in ON state lands for the following purposes:
3	(a) right-of-way across or upon any portion of state lands for any public highway or street, any
4	ditch, reservoir, railroad, private road, \underline{or} telegraph or telephone line, or any other public use as defined
5	in 70-30-102. This subsection shall not be construed to grant authority to convey any such land, except
6	for the purposes above set forth; or
7	(b) any private building or private sewage system that encroaches on state lands."
8	
9	NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.
10	- END -

